

MONTANA LEGISLATIVE HISTORY

Chapter 108 19 95

Bill H 148 S _____ Original bill & history C

H. Committee on Business & Labor

Hearing Date(s) Jan 17 ☒ C

Jan 18 ☒ C

_____ C

_____ C

Date Out Jan 18 ☒ C

S. Committee on Business & Industry

Hearing Date(s) Feb 28 ☒ C

_____ C

_____ C

_____ C

Feb 28 ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1/21	2ND READING PASSED	100	0
1/23	3RD READING PASSED	93	0
	TRANSMITTED TO SENATE		
1/24	FIRST READING		
1/24	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/28	HEARING		
3/01	COMMITTEE REPORT—BILL CONCURRED		
3/02	2ND READING CONCURRED	49	0
3/03	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/07	SIGNED BY SPEAKER		
3/09	SIGNED BY PRESIDENT		
3/09	TRANSMITTED TO GOVERNOR		
3/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 106		
	EFFECTIVE DATE: 10/01/95		

HB 147 INTRODUCED BY MCGEE

ALLOW ENGINEERING DOCTORATE DEGREE GRADUATES WITH 4 YEARS' EXPERIENCE TO TAKE THE PROFESSIONAL ENGINEERING EXAMINATION

BY REQUEST OF THE DEPARTMENT OF COMMERCE

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO BUSINESS & LABOR		
1/13	FISCAL NOTE REQUESTED		
1/16	FISCAL NOTE PRINTED		
1/17	HEARING		
1/26	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/31	2ND READING PASSED AS AMENDED	89	9
2/02	3RD READING PASSED	89	7
	TRANSMITTED TO SENATE		
2/03	FIRST READING		
2/03	REFERRED TO BUSINESS & INDUSTRY		
2/28	HEARING		
3/01	REVISED FISCAL NOTE REQUESTED, AS AMENDED BY HOUSE BUSINESS & LABOR COMMITTEE		
3/02	REVISED FISCAL NOTE RECEIVED		
3/03	COMMITTEE REPORT—BILL CONCURRED		
3/04	REVISED FISCAL NOTE PRINTED		
3/04	2ND READING CONCURRED	43	0
3/06	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/07	SIGNED BY SPEAKER		
3/09	SIGNED BY PRESIDENT		
3/09	TRANSMITTED TO GOVERNOR		
3/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 107		
	EFFECTIVE DATE: 10/01/95		

HB 148 INTRODUCED BY MCGEE, ET AL.

REVISE CERTAIN PROVISIONS OF PROFESSIONAL ENGINEER AND LAND SURVEYOR LICENSURE

BY REQUEST OF THE DEPARTMENT OF COMMERCE

1/12	INTRODUCED
1/12	FIRST READING
1/12	REFERRED TO BUSINESS & LABOR

1/17	HEARING		
1/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/21	2ND READING PASSED	90	10
1/23	3RD READING PASSED	94	2
	TRANSMITTED TO SENATE		
1/24	FIRST READING		
1/24	REFERRED TO BUSINESS & INDUSTRY		
2/28	HEARING		
3/01	COMMITTEE REPORT—BILL CONCURRED		
3/04	2ND READING CONCURRED	43	0
3/06	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/07	SIGNED BY SPEAKER		
3/09	SIGNED BY PRESIDENT		
3/09	TRANSMITTED TO GOVERNOR		
3/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 108		
	EFFECTIVE DATE: 10/01/95		

HB 149 INTRODUCED BY MERCER, ET AL.

PROVIDE FINANCIAL ASSISTANCE TO CERTAIN COUNTIES AND CITIES AND TOWNS FOR LOSS OF VIDEO GAMBLING MACHINE GROSS INCOME TAX REVENUE AND TO CERTAIN HOLDERS OF A LICENSE TO SELL ALCOHOLIC BEVERAGES ON PREMISES FOR LOSS OF GROSS INCOME ASSOCIATED WITH FAILURE OF THE STATE OF MONTANA AND CERTAIN INDIAN TRIBES TO NEGOTIATE A COMPACT UNDER THE FEDERAL INDIAN GAMING REGULATORY ACT OR ASSOCIATED WITH ANY FEDERAL LAWS THAT PROHIBIT OPERATION OF A VIDEO GAMBLING MACHINE ON A RESERVATION

21	TABLED IN COMMITTEE		
1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO TAXATION		
1/13	FISCAL NOTE REQUESTED		
1/17	FISCAL NOTE RECEIVED		
1/17	FISCAL NOTE PRINTED		
2/07	HEARING		
2/10	TABLED IN COMMITTEE		
3/29	MISSED TRANSMITTAL DEADLINE FOR 71ST DAY		
	DIED IN COMMITTEE		

HB 150 INTRODUCED BY AHNER

CLARIFY COMPOSITION AND DUTIES OF A YOUTH PLACEMENT COMMITTEE

BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

1/12	INTRODUCED		
1/12	FIRST READING		
1/12	REFERRED TO JUDICIARY		
1/19	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/17	2ND READING PASSED	98	0
2/20	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
2/21	FIRST READING		
2/21	REFERRED TO JUDICIARY		
3/13	HEARING		
3/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/18	2ND READING CONCURRED	46	0

EXECUTIVE ACTION ON SB 16

Motion: REP. PAVLOVICH MOVED SB 16 BE CONCURRED IN.

Discussion: None.

Vote: Motion the SB 16 Be Concurred in passed unanimously with REP. SLITER carrying this bill on the floor of the House.

HEARING ON HB 148

Opening Statement by Sponsor:

REP. DANIEL MCGEE, HD 21, Yellowstone County said this bill was an act revising certain provisions of professional engineer and land surveyor licensure, changing the term "engineer-in-training" to "engineer intern"; changing the term "land surveyor-in-training" to "land surveyor intern"; prohibiting local governments from imposing fees or examination requirements on licensees; establishing semester hour requirements for registrants, removing the duration requirement for professional land surveyor examinations; requiring applicants who fail the examinations twice to wait one year before taking a third examination; prohibiting applicants who fail the examinations three times from taking it again except under special circumstances; removing the duration requirement for examination taken by land surveyors from other states; clarifying the requirements pertaining to partnerships and corporations; and removing the six month deadline from investigation of charges.

Proponents' Testimony:

Dick Ainsworth, Chairman, Board of Engineers and Land Surveyors of Montana said this bill was a "housekeeping" bill which deals with changes of terms from engineer in training and land surveyor in training to engineer intern and land surveyor intern. The Board is trying to get their language to correspond with the national language. He further explained the language in the bill.

Nigel Mends, Montana Society of Engineers said he supported this bill.

Phil Porrini, American Society of Civil Engineers supports this legislation and felt this bill was a safe protection for Montana.

Tom McNabb, Montana Technical Council said his society was made up of 10 professional societies in the state and they supported this bill.

Dan Walker, US West said he was especially in support of section 12 which clears up the language.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. LARSON asked if Montana Power Co. and US West needed to take this exam. Mr. Walker said US West did not take the exam. The engineering that is done there is only telephone engineering. It does not have any effect on land.

REP. COCCHIARELLA questioned the teleconferencing of their hearings. Mr. Ainsworth said they did business on conference calls but on the most part their work was done in person.

REP. PAVLOVICH asked if it were necessary, when retaking an examination for the third time, does the law to have a 1 year waiting period. If a person failed an exam in Montana and took the examination again in Idaho and passed it, would that person be required to retake the exam in Montana even though he passed it in Idaho. Mr. Ainsworth said no.

REP. MILLS asked if the land surveyor doing this investigation was prohibited from practicing or does he continue to practice. Mr. Ainsworth said he continued to practice.

REP. EWER asked if engineers who were hired by a corporation such as U.S. West were required to be licensed. Mr. Ainsworth said no.

CHAIRMAN SIMON asked if the seal and stamp which has been stricken from the bill was still required? Would this not apply to corporations? Mr. Ainsworth said it was required elsewhere in the law. REP. SONNY HANSON said there was a section in the law that says no plans may be released unless the individual stamps it regardless of what the corporation does.

CHAIRMAN SIMON asked why a certificate of authorization is required from the board before engaging in the practice of engineering and what does a certificate do to protect the public beyond what licensure of the engineers in that firm would do. Mr. Ainsworth said it informs the board of corporations and partnerships and the makeup of those organizations.

CHAIRMAN SIMON then asked what happened when an engineer on a staff was not licensed. Mr. Ainsworth said that historically nothing had been done.

Closing by Sponsor:

Sponsor closes.

HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL

DATE 1-17-94

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority	X		
Rep. Bob Pavlovich, Vice Chairman, Minority	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss		X	

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

~~Budgets & Appropriations~~ SUB-COMMITTEE

DATE 1/17/94

BILL NO. ^{HB 147} 147 & 148 SPONSOR(S) Dan McGee

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Nigel Mand PO Box 614, Helena 59614 DAN McCALLEY	Montana Society of Engineers MONTANA SOCIETY OF ENGINEERS	✓	
P.O. BOX 1137 HELENA 59624 PHIL PORRINI	PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE AMERICAN SOCIETY	✓	
P.O. BOX 5653 HELENA 59604 LANCE MELTON	OF CIVIL ENGINEERS DEPARTMENT OF COMMERCE - INFO. ONLY	✓	
DICK AINSWORTH P.O. BOX 3416, MISSOULA 59806	BOARD OF PROF. ENG. & LAND SURVEYORS	✓	
DAN McGee Capitol Station	Representation	✓	
TOM MCNAB P.O. Box 20996, BILLINGS, MT. 59104	MONTANA TECH. COUNCIL	✓	
DAN WALKER 560 N PARK Helena	US WEST HB 147 & 148 HB 148	✓	
Sonny Houson HB 147	HA-147	✓ w/Am	
DENNIS E. LAY 2230 5TH AVE HELENA, MT 59601	MONTANA ASSOC. OF REGISTERED LAND SURVEYORS	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

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CS-14

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Sponsor closes.

EXECUTIVE ACTION ON HB 66

Motion: REP. HERRON MOVED DO PASS ON HB 66.

Discussion:

REP. HERRON discussed the sub-committee report. All of the working of HB 66 has been included in HB 68. The licensing goes to the commercial department and the regulations and inspections stay with the Department of Labor. In HB 66 he discussed the amendments.

REP. LARSON said there was much language in the amendment shifting duties to the Department of Commerce and all of the regulations to the Department of Labor. The regulatory duties will remain in the respective agencies.

REP. EWER asked if both of the departments were agreeable with the changes and the answer was yes.

Motion/Vote: REP. HERRON MOVED TO ADOPT THE AMENDMENTS. Motion passed 18-0.

Vote: MOTION THAT HB 66 DO PASS AS AMENDED. Motion carried 18-0.

EXECUTIVE ACTION ON HB 68

Motion: REP. HERRON MOVED DO PASS ON HB 68. REP. HERRON ALSO MOVED THE AMENDMENTS ON HB 68.

Motion/Vote: REP. HERRON MOVED DO PASS AS AMENDED ON HB 68. Motion carried 18-0.

EXECUTIVE ACTION ON HB 148

Motion: REP. ELLIS MOVED DO PASS ON HB 148.

Motion/Vote: REP. COCCHIARELLA MOVED TO ADOPT THE AMENDMENTS ON HB 148. Motion carried 18-0.

Vote: REP. ELLIS MOVED DO PASS AS AMENDED ON HB 148. Motion carried 18-0.

EXECUTIVE ACTION ON HB 216

Motion/Vote: REP. ELLIS MOVED DO PASS ON HB 216. Motion carried 18-0.

EXECUTIVE ACTION ON HB 211

Motion: REP. PAVLOVICH MOVED DO PASS ON HB 211.

Discussion:

REP. COCCHIARELLA said she was opposed to the bill because the integrity of the changes made in the Workers' Compensation system needs to be maintained. This bill provides for a discriminatory exemption or exception to the Workers' Compensation way of doing business that could begin to erode that integrity. State employees would like to be held out as different than any other group of employees. It is not fair that other people doing similar kinds of work in the private sector would be treated differently and there would be a court challenge to this provision.

REP. ELLIS said these people have 12 days sick leave in their contract which means they are actually paid until this happens twice provided they do not have another sickness or injury.

REP. BARNETT said if a person had already used up his sick leave and then receive an injury there is no recourse. They do not have that sick leave to fall back on. He believes in the integrity of the system that the committee was granting an exception.

Motion/Vote: REP. ELLIS MOVED TO TABLE HB 211. Motion carried 17-1 with REP. PAVLOVICH voting no.

EXECUTIVE ACTION ON HB 243

Motion: REP. PAVLOVICH MOVED DO PASS ON HB 243. REP. PAVLOVICH MOVED THE AMENDMENTS TO HB 243.

Discussion:

REP. EWER said the amendment was important to the bill.

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 1-19-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chair, Maj.	X		
Rep. Bob Pavlovich, Vice Chair, Min.	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		



HOUSE STANDING COMMITTEE REPORT

January 19, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Business and Labor report that House Bill 148 (first reading copy -- white) do pass as amended.

Signed: _____


Bruce Simon, Chair

And, that such amendments read:

1. Page 8, line 3.
Following: "qualify"
Strike: "shall"

-END-

Committee Vote:
Yes 18, No 0.

161205SC.Hdh

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By CHAIRMAN JOHN HERTEL, on February 28, 1995, at 8:00 a.m.

ROLL CALL

Members Present:

Sen. John R. Hertel, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. William S. Crismore (R)
Sen. C.A. Casey Emerson (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Bill Wilson (D)

Members Excused: N/A

Members Absent: Sen. Terry Klampe (D)

Staff Present: Bart Campbell, Legislative Council
Lynette Lavin, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 148, HB 147, SB 408
Executive Action: HB 148 BE CONCURRED IN
SB 408 DO PASS AS AMENDED

HEARING ON HB 148

Opening Statement by Sponsor:

REP. DAN MCGEE, HD 21, Laurel, presented HB 148 at the request of the Board of Registration for Professional Engineers and Land Surveyors and the Department of Commerce. He said this bill truly was a simple house cleaning bill, to clean up language in the current statute. He stated Page 4, lines 28 through 30, simply redefined municipality to local government; on Page 6, lines 22 and 23, changed the formal education requirements to include semester hours, because the university systems currently were on semesters. He said to refer to Page 7, lines 27 and 28,

which allowed for an examination specifically related to land surveying in Montana; currently Montana was using national exams and they didn't give the amount of time necessary to quiz people on Montana law. On Page 8, lines 3 through 5, provided provisions for failures for examinations. REP. McGEE said Pages 10 and 11, redefined firms, partnerships, and corporations; and on Page 12, lines 15 through 18, deleted the requirement for the board acting in a six month period.

REP. McGEE, reported throughout the bill, under current law, the surveyor or engineer learning the trade was referred to as a surveyor-in-training or engineer-in-training; the national language had gone to the term, engineer intern or surveyor intern.

Proponents' Testimony:

Dick Ainsworth, Chairman, Board of Engineers and Land Surveyors, stated REP. McGEE covered HB 148; however, he had a couple things to cover in more detail. He stated they were making those house cleaning changes because the National Counsel of Engineers and Land Surveyors (NCELS) changed the terms "in-training" to "intern".

Mr. Ainsworth said there was no limit currently on number of times people take and retake the exams. They would like to change that to after the exam was failed twice, a person must wait one year before they can retake the exam. They currently test twice a year. He stated the exam, for the most part, was a national exam prepared by the NCELS. He announced after a third failure of the exam, the person would be prohibited from retaking the exam unless the board gave a special exception.

Mr. Ainsworth stated the six month deadline for investigation of charges was difficult for their board because they only met three times a year. They would like to remove the six month deadline. Land surveyors were different than engineers in that the laws differ from state to state. He said an engineer typically could go from state to state with their license as those laws didn't differ. They would like to have the ability to test for a longer length of time than two years.

Bill Bucher, Professional Land Surveyor and Professional Engineer, testified on behalf of the Montana Association of Registered Land Surveyors (MARLS). He presented a letter from Dan Brien, President of MARLS, EXHIBIT #1, which addressed both HB 147 and HB 148. MARLS supported the changes in HB 148.

Nigel Mends, Montana Society of Engineers, stated HB 148 essentially was a housekeeping bill, simplifying the relationship between the people in the profession and the licensing board and they supported the passage of the bill.

Tom McNab, Montana Technical Council, which was a group of professional societies in the state representing about 1,500 design professionals; said they urged passage of HB 148.

Opponents' Testimony:

Bob Bushmaker, MSE, Incorporated, stated the only issue he had with HB 148 was Page 8, lines 4 and 5, regarding the failure of three exams would disallow readmission to the examination. He was registered in Montana as well as three other states. This didn't affect him personally; however, there were many engineers within the state, who had failed the examination, had diligently tried to pass the exam, and he thought "three strikes and you are out" was an unfair limit. He further said the cost associated with the examination was an individual burden, not the State of Montana, and those people should be given the opportunity later in life to retake those examinations.

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT asked Robert Bushmaker if he wasn't comfortable with the next line on Page 8, lines 4 and 5, "the candidate may apply for a special circumstance waiver from the board to be readmitted for the examination". Mr. Bushmaker stated the decision making process of that resource should be decided by law and not a group of directors. He gave an example of a very talented engineer who had worked for him, who had the capabilities, but was a nervous wreck when he took tests. He was a valuable resource to Mr. Bushmaker, his company, and he trusted him explicitly. He failed the test by one point; the committee did not allow for a review of the examination. Mr. Bushmaker said the engineer didn't agree with the results of the test.

SEN. BENEDICT questioned Jim Shockly, public member on the Engineers and Surveyors Board, about being an attorney and how many times a person was able to take the Bar exam. Mr. Shockly stated he did not have to take one; however, he asked a friend a while ago who stated a person could take the test twice, but he honestly didn't know.

SEN. MIKE SPRAGUE questioned REP. DAN MCGEE on elections for County Surveyor, since one must be licensed, how often were the tests given and would that interfere with a candidates ability to run for office. REP. MCGEE stated, to run for the office, a person must be registered prior to running for the office. REP. MCGEE said the tests were given, he believed, twice a year.

SEN. GARY FORRESTER asked REP. MCGEE if the licensed land surveyor application only applied in class 1 counties, which meant there were only six or seven counties that required a licensed land surveyor or engineer. He commented Yellowstone county only had 32 licensed land surveyors and of the smaller counties, most didn't have one. REP. MCGEE stated they were licensed to practice state-wide. Several counties, such as

Stillwater, had combined the County Surveyor position with the Clerk and Recorder, but they had the opportunity, if they so chose, to have the County Surveyor position. REP. McGEE said; however, if they had one, then a Registered Professional Land Surveyor would have to be the one applying for that position.

Closing by Sponsor:

REP. McGEE commented there were many people who failed the test, himself included, and he petitioned the board to review his case, which they did, as they review cases routinely. He said it would be false to assume that if someone failed an examination, they had no recourse with the board to review the exam. He remarked the national portion of the exam was also reviewed by the national organization, so there were checks and balances within the system. REP McGEE stated the test was not an academic exercise, not an extension of the university system. He insisted the whole point of the test was to determine the qualifications to serve the public. He said by the time someone had been tested and failed three times, there was something seriously wrong and in that case it would probably be in the public's best interest if they were not a professional land surveyor or professional engineer. He stated nationally, statistics showed, by the time a person had failed the test three times, they had problems measuring up to the competency level that was necessary.

HEARING ON HB 147

Opening Statement by Sponsor:

REP. DAN McGEE, HD 21, Billings, presented HB 147, which was a companion bill to HB 148, but HB 147 was more involved. There were three items he wanted to go over with the committee. He said Page 2, lines 14 through 21, allowed a person with a doctorate degree in engineering to sit for the four hour professional examination. The next item, he stated, was Page 3, lines 5 through 9, which allowed for the addition of continuing education as part of the registration renewal process. The last item, REP. McGEE said Page 4, lines 6 through 11, injunctions, etc., would be placed against persons found practicing without being duly licensed. He stated the language there was completely redone by the Department of Commerce and applied to all boards state-wide.

Proponents' Testimony:

Dick Ainsworth, Chairman, Board of Engineers and Surveyors, explained the changes proposed on HB 147. He noted the first change, Page 2, dealt with permitting a person with a PHD degree in engineering, along with four years experience, to take the eight hour exam that would give them a certificate of

adhering to specific state procedure and the actual savings of negotiating their own printing.

Questions From Committee Members and Responses continued:

SEN. FORRESTER asked Mr. Giacometto, since no one was here from the Department of Administration, last session they had the department put into effect a cost accounting procedure, so how much money would the DOA lose in taking away that business. Mr. Giacometto stated there was plenty of work at present for DOA to do and on a cost analysis, he could not break that down. The turnaround time for the rest of the state agencies should improve.

Closing by Sponsor:

SEN. SPRAGUE declared the lottery had taken the initiative to implement some business principles that do work. They didn't have time to explain a lot. In his guess, they would save anywhere from \$3-\$5 million a year. He stated it was all part of an aggressive process as opposed to a passive process. He would like the committee to pass SB 408 so he could take it to the Senate floor.

EXECUTIVE ACTION ON HB 148

Motion: SEN. GARY FORRESTER MOVED HB 148 BE CONCURRED IN.

Discussion: SEN. BENEDICT stated he had a proposed amendment on Page 8, to strike lines 4 and 5. He thought a candidate failing three examinations and not allowed readmission to the examination was wrong.

SEN. BILL WILSON opposed that amendment. He had a personal experience of a situation where he worked, where people were allowed to take their tests unlimited amount of times and he thought it just demeaned the craft. He had taken a conductors examination for the railroad and was the only one of 15 that passed the examination. The others took it 3 and 4 times and it was the same test.

SEN. MIKE SPRAGUE commented there was a condition known as "test anxiety" and he and his son both had the condition. It was a form of "pressure" that brought on the anxiety.

SEN. WILLIAM CRISMORE stated he agreed with both SEN. WILSON and SEN. BENEDICT. He thought the board could potentially prevent people from getting their licenses. He thought it unfair to shut people out for life because of the three times and you're out.

SEN. KEN MILLER commented if the committee accepted the proposed amendment, he thought the committee should be more specific, like

on the line just above, it said wait 1 year before your third examination. He explained it could state specifically a waiting period for the fourth and fifth, etc., times.

SEN. WILSON insisted in many industries people took the examinations, became familiar with them, and didn't really take them seriously. When he took another promotion within his company, they had a failure requirement in that if you failed it you were washed out and they did wash people out. He conveyed it came down to the fact if a person couldn't handle the pressure, then that person didn't belong there and they didn't want that person there because situations were too serious and there was too much at stake.

SEN. SPRAGUE declared, as a Viet Nam veteran, etc., they did a survey at one time and talked about the five most feared things in the world; death, sky diving, etc., and the one most feared was public speaking. He said people all had different fears.

Motion/Vote: SEN STEVE BENEDICT MOVED TO AMEND HB 147. The motion FAILED 5-2 on roll call vote #1.

Vote: The motion HB 147 BE CONCURRED IN CARRIED UNANIMOUSLY on voice vote.

EXECUTIVE ACTION ON SB 408

Motion/Vote: SEN. MIKE SPRAGUE MOVED TO ADOPT AMENDMENTS as presented during the hearing. Motion CARRIED UNANIMOUSLY by voice vote.

Motion/Vote: SEN. STEVE BENEDICT MOVED SB 408 AS AMENDED DO PASS. Motion CARRIED UNANIMOUSLY by voice vote.

MONTANA SENATE
1995 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE

ROLL CALL

DATE 2-28-95

[illegible]

SEN:1995
wp.rollcall.man
CS-09

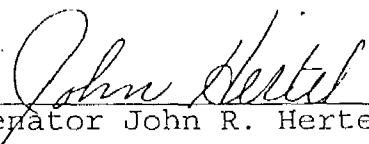
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 28, 1995

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration HB 148 (third reading copy -- blue), respectfully report that HB 148 be concurred in.

Signed:


Senator John R. Hertel, Chair

 Amd. Coord.

 Sec. of Senate

SEN. KEN MILLER
Senator Carrying Bill

471237SC.SPV

#1

MOTION: amend HB 148

failed

SEN:1995
wp:rlclvote.man
CS-11

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BOZEMAN, MT 59729
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406 - 587-5408 (Fax)

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1

DATE 2-28-95

BILL NO. # HB 147 & 148

P.O. Box 359
COLUMBIA FALLS, MT 59912

(presented by Bill Bucher)

February 24, 1995

Senate Business and Industry Committee / Room 410

Re: Hearing on HB 147 and 148 at 8:00am on Tuesday, February 28, 1995

Dear Committee Chairman Senator John R. Hertel and members:

House Bill 147 deals with two major areas we have tried to address for many years. Land surveying is a highly technical and ever changing profession. Surveying right now throughout the world is being done with the use of satellites. Within the next ten years this satellite surveying very likely will be used by the average surveyor. We've come along way from the transit and chain. We need to keep up or fall by the wayside. With the value of property today, in Montana, and every increasing litigation dealing with land, we also need to keep up on the legal issues and boundary law.

Our association has a Continuing Education committee that holds from 3 to 4 seminars a year. In the spring of 1994 we held a seminar attended by 112, and later in the fall one attended by 190. This past January we had another one attended by over 130. These past three seminars have been done over the Montana Educational Telecommunications Network (METNET), held at eight sites around Montana. We now have the resource in METNET, to let the surveyors throughout Montana be involved fairly easily and very cost effectively.

As of 1994, by either state statute or by board rule, twenty six states have mandatory Continuing Education. Seven other states have voluntary Continuing Education. House Bill 147 would allow the Board of Registration the option of requiring Continuing Education. Our association feels Continuing Education is a must.

page 2

February 24, 1995

Senate Business and Industry Committee

Secondly, the need for dealing with the unlicensed practice of land surveying is of paramount concern. Currently our Board of Registration has no control over the unlicensed practitioner. Right now this is only a misdemeanor. This is not a deterrent to the unlicensed individual. We as an association, have found it very difficult to get our County Attorneys to investigate and prosecute these cases. This bill would put some enforcement teeth with the Board that currently regulates all of the licensed surveyors in our profession.

House Bill 148 is mainly a house keeping bill to clean up areas of concern by our Board of Registration.

On behalf of our membership comprising of 177 Montana Registered Professional Land Surveyors, I urge your support of these two bills as transmitted to the Senate.

Professionally,



Daniel P. Brien
President MARLS



ENGINEERING
SURVEYING
PLANNING

P. O. Box 3418, Missoula, Montana 59806-3418 TEL: (406) 728-4611 FAX: (406) 728-2476

February 27, 1995

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 2

DATE 2-28-95

BILL NO. HB 147 & HB 148

(presented by Tom McNab)

Senate Business and Industry Committee

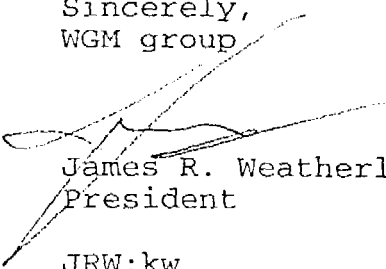
RE: House Bills 147 and 148

Dear Mr. Chairman and Committee Members:

I am a registered professional engineer who was first licensed in the state of Montana in November of 1973. I have practiced as a consulting engineer in Missoula, Montana since 1971. I urge your committee to vote favorably on House Bills 147 and 148. These changes to existing state law will allow the Board of Registration to modernize their administration of engineers and land surveyors. It will also provide an avenue for the Board of Registration to police those unlicensed professionals who attempt to practice. This is becoming a very serious problem in many areas of Montana. We continually find clients who believe they have obtained professional services only to find out the consultants were not licensed, and provided sub-standard services.

I urge a do pass vote on these bills. Thank you very much for your time and consideration.

Sincerely,
WGM group


James R. Weatherly, P.E.
President

JRW:kw

9502129



ACEC

CONSULTING ENGINEERS
COUNCIL of Montana

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 3

DATE 2-28-95

BILL NO. HB 147 & HB 148

(Presented by Tom McNab)

February 23, 1995

Members of Senate Business & Industry Committee:

John Hertel, Chairman
Steve Benedict, Vice Chairman
William S. Crismore
C.A. Emerson
Gary Forrester
Terry Klampe
Ken Miller
Mike Sprague
Bill Wilson

Dear Committee Members:

This letter will serve as an endorsement by the Consulting Engineers Council of Montana in favor of House Bill 147 and House Bill 148.

We believe House Bill 147 will clarify experience requirements needed for taking the engineering examination and will allow the registration board to formulate continuing education requirements of our membership. We believe the bill to be in the best interest of our profession and also will benefit the people of Montana by ensuring the qualifications of engineers serving the public.

We believe House Bill 148 is also in the best interest of the State as it updates language and clarifies certain aspects of our current licensing regulations.

We appreciate this opportunity to address your membership.

Sincerely,

Terry Druyvestein, President
CECM

mc\

DATE February 28, 1995

SENATE COMMITTEE ON Business and Industry

BILLS BEING HEARD TODAY: SB 408 Senator Sprague
HB 147 Rep. McFee HB 148 Rep. McFee
Rep. Drainaco

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Nigel Mands	Montana Soc. of Eng	147 148	✓	
KARALEE ELLISON	MONTANA LOTTERY	408	✓	
Bill Bucher	MT Association of Registered Land Surveyors	147 148	✓	
ROBYNAE SINDELAR	SELF			
Robert J. Bushmaker	MSE, Inc	147 148		✓
David Loftus	MSE Inc	147 148		
Dick Ainsworth	Board of Eng. & Sur	147 148	✓	
Mary Hamlin	Bd of P.E.s	147 148	info	one
JIM MCNAB	MONTANA TECH LAND	147 148	✓	
Gene Alberts	MT. Assoc of REALTORS	148	Mon. tex	
Charmaine Murphy	Montana Lottery	408	✓	
LARRY AIKEY	VLT/ANI	408	✓	
Leo Giacometto	Governor's OFF. inc	408	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY